

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested. Claims 1-4, 6-15, 17-19 and 21 are pending in the present application. No new matter is added.

By way of summary, the Official Action presents the following issues: Claims 1-4, 6-15, 17-19 and 21 stand rejected under 35 U.S.C. § 102 as being unpatentable over Kannas et al. (U.S. Patent 6,683,853, hereinafter Kannas).

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1-4, 6-15, 17-19 and 21 under 35 U.S.C. § 102 as being unpatentable over Kannas. The Official Action contends that Kannas describes all the Applicants' claimed features. Applicants respectfully traverse the rejection.

By way of background, in mobile communication systems, conventional circuit switching may be employed for establishing a service between a mobile station and a base station. Upon requesting this service, a mobile station sends a request to the base station which determines whether or not to establish the service based upon available resources. Specifically, the available resources may include the number of available channels, the number of carriers, time slots, codes, etc., assigned to the cell of the base station. Assuming the number of assigned channels is greater than a predetermined value, the base station admits the request. In such base stations a request may be admitted based upon available capacity of the path, such as in an ATM transmission channel which is also analyzed relative to available buffer size. When an ATM path is utilized, because the quality of service

required by voice and data that may share an ATM path changes, the communication quality changes after the service request is admitted.¹

In light of at least the above deficiencies in the art, the present claimed advancements are provided. With at least the above objects in mind, a brief comparison of the claimed advancements, in view of the cited references, is believed to be in order.

Applicants' Claim 1 recites, *inter alia*, a method of operating an admission control device in a mobile communication system capable of providing a first communication that guarantees a service quality and a second communication that does not guarantee the service quality at a mobile station, including:

... sending a required service quality required by an application from the mobile station to the admission control device when the mobile station sends a service request, the mobile station configured to request one of the first communication and the second communication, according to a type of the application;

calculating, by the admission control device, a reference service quality as an admissible service quality, said reference service quality being a service quality when a propagation quality is lowest at the mobile station; and ...

Kannas describes a method of dynamically upgrading a service of a packet switched network. For example, as shown in Figure 2 a dynamic upgrade of a quality of service in a mobile telecommunication system is provided by monitoring available resources. In other words, user equipment (10) may request activation of an initial service. If a designation of a desired quality of service corresponding to the request is not available, the system may identify a lower level quality of service that is available and assign the user request the lower quality of service.² The user is then queried as to whether or they will accept the lower quality of service, if so the system activates the requested service, if not, the user cannot activate the service. Thereafter, the system continuously monitors the quality of service

¹ Application at pages 1-2.

² See Kannas at Figure 2; column 5, lines 45-51.

available for upgrading the user's quality of service at a later time should additional capacity appear.³

Conversely, in an exemplary embodiment of the Applicants' claimed advancements, an admission control device provides a first communication which guarantees a service quality and a second communication that does not guarantee a service quality to a mobile station. A mobile station provides a required service quality of an associated application to the admission control device via a service request. The mobile station requests at least one of the first communication and second communication based upon a type of application. The admission control device calculates a reference service quality as an admissible service quality. The reference service quality is a service quality when a propagation quality is lowest at the mobile station. The admission control device admits the service request from the mobile station if a required service quality is less than or equal to the reference service quality.

At the outset, it is worth noting that changing a request of quality of service to another quality of service as described in Kannas is markedly different from "quantitatively-guaranteed service" and "relatively-guaranteed service" as recited in Claim 1. More specifically, "quantitatively-guaranteed service" is a service that guarantees a required quality of service. Likewise, "relatively-guaranteed service" is a service that may have any quality of service. Kannas does not describe or suggest quantitatively-guaranteed service and relatively-guaranteed service as Kannas merely describes upgrading a quality of service.

Additionally, Claim 1 recites that the mobile station decides to request one of the first communication and the second communication according to a type of application. This feature is not disclosed or suggested by the Kannas reference. Likewise, Kannas does not disclose or suggest calculating a reference service quality being a service quality when a

³ Kannas at Figure 2; column 5, line 58 to column 6, line 23.


propagation quality is lowest at the mobile station as recited in Claim 1 and any claim depending therefrom. Likewise, as independent Claims 10, 11, 12 and 21 recite substantially similar limitations to that discussed above, Applicants respectfully submit that these claims and their corresponding dependent claims are likewise allowable over the cited reference.

CONCLUSION

Consequently, in view of the foregoing remarks, it is respectfully submitted that the present application, including Claims 1-4, 6-15, 17-19 and 21, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Scott A. McKeown
Registration No. 42,866

BDL:SAMrle

I:\ATTY\SAM\PROSECUTION WORK\245552\245552US-AM-DUE05OCT06.DOC